



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 01526-99
25 October 2000

LCDR [REDACTED] MC USNR
[REDACTED]
[REDACTED]
[REDACTED]

Dear Commande [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Since you have been promoted to lieutenant commander, you are ineligible for a special selection board. Therefore, your request for a special selection board was not considered.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 15 July and 25 August 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 15 July 1999 in concluding your contested letter of admonition should stand. The letters from the officer who issued the contested letter, to the effect that he does not think a single incident should block your career and that he now believes you should have received a nonpunitive letter, did not persuade the Board that the punitive action at issue was erroneous or unjust. Because they found no basis to remove the contested letter, they had no grounds to remove your failures by the Fiscal Year 98 and 99 Staff Lieutenant Commander Selection Boards. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new

and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

152699

1611
Ser 834C/1201
15 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, NPC-OOZCB

Subj: LT [REDACTED] MC, USNR, [REDACTED]

Ref: (a) BCNR (PERS-00ZB) 5420 memo Pers-00ZCB of 8 Jul 99
(b) COMNATNAVMEDCEN Bethesda ltr 5812 Ser 00J/3198
of 20 Aug 93
(c) Manual of the Judge Advocate General § 0114

Encl: (1) BCNR file 01526-99 w/service record

1. Reference (a) requested an advisory opinion in response to LT [REDACTED]'s request to remove enclosure (1) of reference (b), a punitive letter of admonition, from his officer permanent personnel record due to his belief it has caused his twice failure of selection (FOS). Enclosure (1) is returned as a matter under the purview of BCNR.
2. Reference (b) was filed in [REDACTED]'s record in accordance with applicable instructions and appears consistent with the handling of similar cases. Reference (c) directs that punitive letters will be filed in the member's official record unless withdrawn or set aside. Accordingly, unless withdrawn or set aside, reference (b) and all references to it should remain in his record.

[REDACTED]
(Signature) U.S. Navy
Director
Personnel Performance & Security
Division



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1526-99

1400

Ser 85/174

25 Aug 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED] MC, USNR [REDACTED]

Ref: (a) PERS-83 ltr 1611 Ser 834C/1201 of 15 Jul 99

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED] request for removal of his failures of selection and request for special board. Modification of his record has been addressed by reference (a).

2. Rear [REDACTED] USN, Ret., includes that his admonition letter should have been submitted as non-punitive, nonetheless, the punitive Fiche 5 [REDACTED]'s official record remains valid. Further, our records have indicated that his official record before both the FY-98 and FY-99 Selection Boards lacked his 31 January 1997 and 18 July 1997 fitness reports. He did not previously provide the fitness reports in question to the boards prior to convening, therefore, each board utilized the information presented before it to determine a promotion decision.

3. Recommend disapproval of his request.

[REDACTED]
BCNR Liaison,
Officer Promotions Division